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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,474	03/08/2004	Takashi Nakatsuyama	SONY-50N3172.CON	2327

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WAGNER, MURABITO & HAO LLP
Third Floor
Two North Market Street
San Jose, CA 95113

EXAMINER

STORM, DONALD L

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,474

Applicant(s)

NAKATSUYAMA, TAKASHI

Examiner

Donald L. Storm

Art Unit

2626

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. If the Applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 120, a specific reference to the prior-filed application in compliance with 37 CFR 1.78(a) must be included in the first sentence(s) of the specification following the title or in an application data sheet. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. If in the specification, including current titles is encouraged.

If a reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, a petition under 37 CFR 1.78(a) and a surcharge under 37 CFR 1.17(t) are not required. The Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filling an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

If the instant application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120,

where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

The section "Response to Amendment" in this Office action is relevant to the priority claim.

2. The priority data set forth in TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b), filed March 8, 2004, states that this application is a continuation of the prior-filed application. A continuation or divisional application cannot include new matter. The Applicant is required to refer to the relationship as continuation-in-part because this application contains at least the following matter not disclosed in the prior-filed application: sound recognition engine (claim 31 and others), sound recognition (claim 44 and others).

Throughout the prior-filed application, voice recognition and a voice recognition engine are disclosed, but sound recognition is not disclosed there.

Having reviewed the disclosure in the parent case, the Examiner has concluded that the subject matter defined in the claimed invention is not supported by the disclosure in Application Serial No. 09/439,380, filed November 15, 1999. Accordingly, the subject matter defined in the claims has an effective filing date of March 8, 2004.

Should the Applicant disagree with the Examiner's factual determination above, the Applicant should provide specific page number(s) of any parent application filed prior to March 8, 2004 which specifically supports any particular claim limitations reciting the sound recognition engine and sound recognition for each and every claim limitation of the sound recognition engine and sound recognition which applicant considers to have been in possession of prior to March 4, 2004.

Response to Amendment

3. As of March 1, 2001, the changes to Rule 1.121 became mandatory to provide for amendment of the specification by replacement paragraph, section, or specification. As of July 30, 2003, the changes to Rule 1.121 became mandatory that each section of an amendment document must begin on a separate sheet.

The TRANSMITTAL OF FILING UNDER 37 CFR 1.53(b), filed March 8, 2004, requests amendment to the specification, but does not comply with 37 CFR 1.121. The Applicant's proposed amendment to the specification has NOT been entered.

Drawings

4. The drawings are objected to under 37 CFR § 1.83(a) because they fail to clearly show significant features of the subject matter specified in the claims. See MPEP § 608.02(d). At a minimum, representation of the following features should be added to the drawings to show the claimed invention as a whole:

- a. a sound recognition engine configured to generate text from analog audio operable simultaneously with high compression encoder (claim 1);
- b. a sound recognition on analog audio to generate text performed concurrently with encoding at a high compression rate (claim 44).

5. A permanent replacement sheet (a minimum being a black ink sketch suitable for publication) in compliance with 37 CFR 1.121(d) containing at least the corrected, substitute drawing for each figure being corrected is required in response to this Office action. Any amended, replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. Corrected drawing sheets may no longer be held in abeyance. REPLACEMENT SHEETS LESS THAN THE MINIMUM DESCRIBED ABOVE WILL NOT BE CONSIDERED A *BONA FIDE* ATTEMPT TO PROVIDE A COMPLETE REPLY. See 37 C.F.R. § 1.121(d), § 1.81(d), § 1.85(a), and MPEP § 608.02 IV.

Specification

6. The title is objected to because it is not sufficiently descriptive of the invention. A new title is required that is clearly indicative of the invention to which the claims are directed. See MPEP § 606.01. The Examiner suggests that the Applicant consider a title including these elements: “Digital Compression Recording and Playback with Sound Recognition Capability for Simultaneous Text Generation.”

7. The disclosure is objected to because the meaning of “compression ratio” (at least, page 10, line 6) is not clear. The term “compression ratio” is a dimensionless quantity, which is ordinarily reported as “value1 : value2”. For example, compression ratio could be 4:1, and would be pronounced “four-to-one.” A quantity with units of kbit/sec appears to be a data rate or bit rate, not a compression ratio. The rule that an Applicant can act as his own lexicographer to specifically define terms to be other than their ordinary meaning presupposes that the nonstandard definition is clearly detailed in the disclosure. See 37 CFR 1.71 and MPEP 608.01.

8. The disclosure is objected to because the phrase “phonetic group definitions” (at least, page 12, line 1 and page 13, lines 16-17) is not defined and is not standard terminology in the art of switch control. The rule that an Applicant can act as his own lexicographer to specifically define terms presupposes that the definition is clearly detailed in the disclosure. See 37 CFR 1.71 and MPEP 608.01.

9. The specification is objected to because the embodiment shown in Fig. 2A of the drawings is not described in the specification. See 37 CFR 1.71 and MPEP 608.01.

The digital wave data production from voice input (using HCE, see specification page 10) is shown in Fig. 2A as occurring in the flow before text generation from voice input (using VRE, see specification page 10). The specification does not describe such an embodiment on page 10, and nothing else in the disclosure describes such an embodiment. At page 3, line 26-page 4, line 1, only an embodiment that explicitly does not provide HCE output for recognition is mentioned. The specification does not describe the compression step occurring before the recognition step, except in the prior art that also has storage of the data before the recognition step.

10. The abstract is objected to under 37 C. F. R. § 1.72(b) because it exceeds the general guidelines limit of 150 words. See MPEP § 608.01(b). Correction is required.

Claim Informalities

11. Claim 31, and by dependency claims 32-43, are objected to under 37 CFR 1.75(a) because the meaning of the phrase “a synchronized manor” (line beginning *said*) needs clarification. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --a synchronized manner--.

12. Claim 36 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said graphical display” (line 3) needs clarification. Because no graphical display was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --said display-- in line 3 and other lines.

13. Claim 40 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “Hinden Markov Model” (line 2) needs clarification. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --Hidden Markov Model--.

14. Claim 42 is objected to for the same reasons as claim 31 because the limitations are recited using obviously similar phrases.

15. Claim 42 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said analog signal” (line 2) needs clarification. Because no analog signal was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --said analog audio input--.

16. Claim 44, and by dependency claims 45-56 are objected to for the same reasons as claim 31 because the limitations are recited using obviously similar phrases.

17. Claims 58-62 are objected to under 37 CFR 1.75(a) because the meaning of the phrase “The system as recited” (first line of each claim) needs clarification. Because no system was previously recited, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --The device as recited--.

18. Claim 58 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said encoding means” (line 2) needs clarification. Because no encoding means was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --said encoder--.

19. Claim 58 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said first switch” (line 4) needs clarification. Because no first switch was previously recited, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --said first switching means--.

20. Claim 58 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said encoder means” (line 4 and line 6) needs clarification. Because no encoder means was previously said, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phrase as --said encoder--.

21. Claim 59, and by dependency claims 60-62, are objected to under 37 CFR 1.75(a) because the meaning of the phrase “said decoding means” (line 4) needs clarification. Note that this phrase also appears in claim 62. Because no decoding means was previously said, it may be unclear as to

what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --said decoder--.

22. Claim 62 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said decoding means” (line 2 and line 4 and line 5) needs clarification. Because the decoding means that was previously said was unclear and interpreted by the Examiner as the decoder, it may now be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase also as --said decoder--.

23. Claim 62 is objected to under 37 CFR 1.75(a) because the meaning of the phrase “said second switch” (lines 3-4) needs clarification. Because no second switch was previously recited, it may be unclear as to what element this phrase refers. To further timely prosecution and evaluate prior art, the Examiner has interpreted this phase as --said second switching means--.

24. The Examiner notes, without objection, the possibility of informalities in the claims. The Applicant may wish to consider changes during normal review and revision of the disclosure.

- a. In claim 45, should the phrase “is synchronized” be --are synchronized--?
- b. In claim 52 (line 2), is a word or phrase missing from the phrase “comprises in a semiconductor”?

Claim Rejections - 35 USC § 112

25. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

26. Claims 31-62 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Nothing in the disclosure supports the subject matter of claim 31, and by dependency claims 32-43, by providing sufficient detail of the subject matter of a sound recognition engine configured to generate text data, memory coupled to a sound recognition engine, and a high compression digital encoder and a sound recognition engine operable simultaneously. Nothing in the disclosure supports the subject matter of claim 44, and by dependency claims 45-56, by providing sufficient detail of the subject matter of a performing sound recognition to generate text data and performing sound recognition and encoding concurrently.

There is not sufficient structure described in the disclosure, as characterized by words, structures, and diagrams, to clearly allow persons of ordinary skill in the art to recognize that the Applicant invented the system and method with the sound recognition to generate text concurrently/simultaneously with encoding as claimed. The Examiner does not find details of those claimed features and their relationships discussed with sufficient particularity anywhere in the disclosure. Words, structure details, and figures provide detail of voice recognition only, not sound recognition.

Although the written description requirement can be satisfied either by express or inherent disclosure, even inherent disclosure must make the Applicant's possession of claimed invention obvious. The written description requirement thus cannot be satisfied by remaining entirely silent on a claimed embodiment.

To meet the written description requirement the disclosure must have claim-supporting language that provides a description of the invention claimed, not merely claim-anticipating language. The claim-supporting language must clearly allow persons of ordinary skill in the art to recognize that the Applicant invented what is claimed.

By similar reasoning to that applied to claims 31-56, the Examiner find no words, structure details, and figures to provide sufficient detail of analog signal pattern recognition for generating text data and analog signal pattern recognition means operating concurrently with an encoder as set forth in claim 57, and by dependency in claims 58-62. The disclosure contains no claim-supporting language that clearly allows persons of ordinary skill in the art to recognize that the Applicant invented what is claimed by claims ⁵⁷~~58~~-62. DLS

27. Claims 31-62 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

While being reasonably enabling for voice recognition to generate text and for performing voice recognition and encoding concurrently, the disclosure does not reasonably provide enablement for all other sound recognition to generate text, for all other analog signal pattern recognition means for generating text data, or for all sound and pattern recognition concurrent/simultaneous with encoding.

The disclosure fails to state or teach one of ordinary skill in the art the processes for all sound recognition or all analog signal pattern recognition to generate text. The Examiner found details of only voice recognition to generate text throughout the disclosure. The Examiner did not find an example relating sound recognition or analog signal pattern recognition to generate text commensurate in scope with the independent claims and the dependent claims that inherit those limitations.

On not finding an explicit teaching of the claimed invention, the Examiner looked for a sufficiently detailed teaching that would allow one ordinarily skilled in the art of voice recognition to extrapolate without undue experimentation from details in the disclosure to some other recognition to generate text. There is no description or suggestion of any way that an artisan

might proceed to modify voice recognition to generate text to enable text generation by any other sound or pattern recognition.

Without this disclosure, one of ordinary skill in the art of speech processing cannot practice the invention without undue experimentation because there is no direction and guidance on how the experimentation should proceed and when a sufficient conversion to text by other recognition had occurred. At least starting guidelines, an indication how to proceed, and a way to evaluate when successful are needed.

Finally, there is no indication that this subject matter yields to any conventional sound recognition or conventional pattern recognition that an artisan might choose.

It is the specification, not the knowledge of one skilled in the art, that must supply the novel aspects of an invention in order to constitute adequate enablement, not vague intimations of a general idea that may or may not be workable. Rule that specification need not disclose all that is well known in art means only the omission of minor details; it does not substitute for basic enabling disclosure. If there is not disclosure of any starting material or no disclosure of any conditions under which claimed material can be carried out, undue experimentation is required.

Double Patenting

28. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re*

Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground, AND provided the conflicting application or patent is shown to be commonly owned with this application or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

29. Claims 31-32, 38-41, and 43-62 are rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent 6,754,619. Although the conflicting claims are not identical, they are not patentably distinct from each other because a person of ordinary skill in the art would conclude that the invention defined in the claims in issue is anticipated by the invention defined in the claims in the patent. The patent claims a species within the genus, and the patent claims thus anticipate the genus application claims. *In re Slayter*, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); *In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). See MPEP § 806.04(i).

30. Independent claim 31, and dependent claims 32, 38-41, and 43, of this application are anticipated by independent claims 1 and 25, and by dependency claims 2-12 and 26-30 of U.S. Patent 6,754,619 because the claims are set forth including obviously similar phrases.

Although the claims of this application do not explicitly include each limitation of the corresponding claims in U.S. Patent 6,754,619, the additional limitations found in the patented claims do not act to obviate the holding of anticipation, because whether a reference applies a

method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

The claim limitations in this application that are directed to an analog audio input are claimed limitations that set forth a genus that includes a voice input as species. Accordingly, the claimed limitations that are directed to voice in U.S. Patent 6,754,619 anticipate analog audio.

The claim limitations in this application that are directed to a sound recognition engine are claimed limitations that set forth a genus that includes voice recognition engine as species. Accordingly, the claimed limitations that are directed to voice recognition in U.S. Patent 6,754,619 anticipate sound recognition.

Similarly, additional limitations provided by the dependent claims of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

31. Independent claim 44, and dependent claims 45-56, of this application are anticipated by independent claim 13, and by dependency claims 14-24 of U.S. Patent 6,754,619 because the claims are set forth including obviously similar phrases.

Although the claims of this application do not explicitly include each limitation of the corresponding claims in U.S. Patent 6,754,619, the additional limitations found in the patented claims do not act to obviate the holding of anticipation, because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

The claim limitations in this application that are directed to an analog audio signal are claimed limitations that set forth a genus that includes a voice input as species. Accordingly, the claimed limitations that are directed to voice in U.S. Patent 6,754,619 anticipate analog audio.

The claim limitations in this application that are directed to sound recognition are claimed limitations that set forth a genus that includes voice recognition as species. Accordingly, the claimed limitations that are directed to voice recognition in U.S. Patent 6,754,619 anticipate sound recognition.

Similarly, additional limitations provided by the dependent claims of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

32. Independent claim 57, and dependent claims 58-62, of this application are anticipated by independent claims 1 and 25, and by dependency claims 2-12 and 26-30 of U.S. Patent 6,754,619 because the claims are set forth including obviously similar phrases.

Although the claims of this application do not explicitly include each limitation of the corresponding claims in U.S. Patent 6,754,619, the additional limitations found in the patented claims do not act to obviate the holding of anticipation, because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

The claim limitations in this application that are directed to a signal capturing means for accessing a first analog signal are claimed limitations that set forth a genus that includes an audio capturing device/means configured for receiving a voice input as species. Accordingly, the claimed limitations that are directed to audio capture and voice in U.S. Patent 6,754,619 anticipate signal capturing means and first analog signal.

The claim limitations in this application that are directed to analog signal pattern recognition means are claimed limitations that set forth a genus that includes voice recognition engine as species. Accordingly, the claimed limitations that are directed to voice recognition in U.S. Patent 6,754,619 anticipate analog signal pattern recognition.

The claim limitations in this application that are directed to sound output are claimed limitations that set forth a genus that includes voice output as species. Accordingly, the claimed limitations that are directed to voice output in U.S. Patent 6,754,619 anticipate sound output.

Similarly, additional limitations provided by the dependent claims of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

Conclusion

33. Any response to this action should be mailed to:

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for both formal communications intended for entry and for informal or draft communications, but please label informal fax as "PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, Customer Service Window, **Mail Stop Amendment**, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

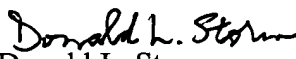
******* IMPORTANT NOTICE *******

The Examiner handling this application, who was assigned to Art Unit 2654, is assigned to **DIVISION 2626** as a result of consolidation in Technology Center 2600. Please include the new Division in the caption or heading of any communication. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is (571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

March 31, 2006


Donald L. Storm
Examiner, Art Unit 2654